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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,859	11/29/2001	Bruce Allan Makinen	10011248-1	6699

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 12/15/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/997,859

Applicant(s)

MAKINEN, BRUCE ALLAN

Examiner

Javid A Amini

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2672

***Response to Arguments***

In view of the Appeal brief filed on June 10, 2004, PROSECUTION IS HEREBY REOPENED. The new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 14-18 rejected under 35 U.S.C. 102(b) as being anticipated by Hsu.

1. Claim 1. Claim 14 is similar to the limitations of claim 1.

See fig. 2 of Hsu for the step of a method for manipulating a graphical display, the method comprising the steps of: see figs. 4 and 3 for the step of providing a graphical user interface comprising a first portion for providing a graphical display, the graphical display comprising a plurality of image objects; Hsu in fig. 3 illustrates complete process of the following steps:

Art Unit: 2672

receiving a user selection of a first image object in the first portion of the graphical user interface; displaying a target area containing the first image object selected; receiving a user selection of a second image object in the first portion of the graphical user interface; and modifying the displayed target area such that the target area contains the first and second image objects. Applicant claims manipulating a graphical display, and the object of graphical display is circuit board with electronic components. The teaching of Hsu's invention see fig. 4 that incorporates the graphical application called LAB-view, which covers receiving a user selection from the graphical interface, and displaying the target image, and also modifying the display target is inherent, because the application LAB-view provides results of the user's designed circuit without experimenting it in the real laboratory. This application is very beneficial to the user.

2. Claims 2 and 15.

Hsu in figs. 4 and 5 illustrates the step of wherein the step of modifying the displayed target area comprises centering the target area with respect to the first and second image objects selected.

3. Claims 3 and 16.

Hsu in figs. 4 and 5 illustrates the step of wherein the step of modifying the displayed target area comprises displaying the target area such that the first and second image objects are contained within the target area and a maximum number of the image objects not selected are contained in the target area.

4. Claims 4 and 17.

Hsu in figs. 4 and 5 illustrates the step of wherein the target area comprises a square.

Art Unit: 2672

5. Claims 5 and 18.

Hsu in fig. 1 illustrates the computer comprises a CPU, a display screen, and one or more input devices such as a mouse or keyboard as shown. That covers the following step: wherein the step of receiving a user selection of a first image object and the step of receiving a user selection of a second image object is via a cursor manipulated by a mouse.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-13 and 19-35 rejected under 35 U.S.C. 103(a) as being unpatentable over Weisgerber et al. (hereinafter refers as Weisgerber), and further in view of Hsu.

6. Claim 6 also claims 19, 27 and 28 are similar to the limitations of claim 6, Weisgerber in paragraph 0018-0021 teaches the step of: A method for manipulating a graphical display of a printed circuit board model, the printed circuit board model adapted to be used in an automated x-ray inspection system for detecting defects in a manufactured printed circuit board having one or more components comprising one or more pins soldered to the printed circuit board, the method comprising the steps of: Weisgerber in paragraph 0024 teaches the step of providing a graphical user interface comprising a first portion for providing a graphical display of a printed circuit board model comprising a plurality of image objects associated with a printed circuit board; Weisgerber is silence about user selection of first and second images, however, Hsu in figs. 3 and 4 illustrates complete process of the following steps: receiving a

Art Unit: 2672

user selection of a first image object in the first portion of the graphical user interface; displaying a target area containing the first image object selected; receiving a user selection of a second image object in the first portion of the graphical user interface; and modifying the displayed target area such that the target area contains the first and second image objects. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hsu into Weisgerber in order to incorporate the graphic part of the invention into Weisgerber's invention.

7. Claim 7 also claims 20 and 29 which are similar to the limitations of claim 7,

The method of claim 6, Weisgerber is silence about centering the target area with respect to the first and second image objects selected, however, Hsu in figs. 3 and 4 illustrates complete process of the following steps: centering the target area with respect to the first and second image objects selected. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hsu into Weisgerber in order to incorporate the graphic part of the invention into Weisgerber's invention.

8. Claim 8 also claims 21 and 30 which are similar to the limitations of claim 8,

The method of claim 6, Weisgerber is silence about displaying the target area such that the first and second image objects are contained within the target area and a maximum number of the image objects not selected are contained in the target area, however, Hsu in figs. 3 and 4 illustrates complete process of the following steps: displaying the target area such that the first and second image objects are contained within the target area and a maximum number of the image objects not selected are contained in the target area. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of

Art Unit: 2672

Hsu into Weisgerber in order to incorporate the graphic part of the invention into Weisgerber's invention.

9. Claim 9 also claims 22 and 31 which are similar to the limitations of claim 9, Weisgerber in figs. 7c, 8 and 9a illustrates the limitations of claim 6, wherein at least one of the plurality of image objects comprises a family object that specifies a type of solder joint.
10. Claim 10 also claims 23 and 31 which are similar to the limitations of claim 10, Weisgerber in fig. 6b illustrates at least one of the plurality of image objects comprises a package object that specifies a type of component.
11. Claim 11 also claims 24, 32 and 33 which are similar to the limitations of claim 11, Weisgerber in paragraph 0019 teaches the limitations of a unique pin number for a specific component in the printed circuit board. And also it is obvious that each electronic component has a unique pin number.
12. Claim 12 also claims 25 and 34 which are similar to the limitations of claim 12, Weisgerber is silence about the target area comprises a square, however, Hsu in figs. 3 and 4 illustrates complete process of the following steps: the target area comprises a square. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hsu into Weisgerber in order to incorporate the graphic part of the invention into Weisgerber's invention.
13. Claim 13 also claims 26 and 35 which are similar to the limitations of claim 13, Weisgerber is silence about the limitation in the claim 13, but Hsu in fig. 1 illustrates the computer comprises a CPU, a display screen, and one or more input devices such as a mouse or keyboard as shown.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-35 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,760,890 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because. Hereinafter the present application refers as an "859", and the US Patent refers as an "890". See below the comparison of independent claim of present invention and the independent claim of the patent 6,760,890 B2.

- Remarks: The double patenting rejection is based on predominantly the Examiner interpretations in relation to the specification. Examiner encourages the Applicant to schedule an interview, in case of disagreement with the Examiner analysis.

**Claim 1 of 859: A method for manipulating (examiner's interpretation: a method for controlling of a printed circuit board or graphical display considers manipulating a printed circuit board or graphical display. And the examiner considers an image of printed circuit board as a graphical display) a graphical display (examiner's interpretation: a graphical**



Art Unit: 2672

display is a broad language and a printed circuit board on a display is considered as a graphical display), the method comprising the step of:

*Claim 1 of 890: A method for controlling the inspection of a printed circuit board for manufacturing defects, the method comprising the steps of:*

Claim 1 of 859: providing a graphical user interface (examiner's interpretation: in the published patent 890 discloses "providing a graphical display of the computer model of the printed circuit board in a first portion of a graphical user interface") comprising a first portion for providing a displaying a target area containing the first image object selected (examiner's interpretation: in the published patent 890 discloses: "enabling a user to select one of a plurality of image objects in the graphical display of the computer model of the printed circuit board ";) receiving a user selection of a second image object in the first portion of the graphical user interface (examiner's interpretation: in the published patent 890 discloses: "providing [an n-dimensional data structure associated with the graphical display of the computer model of the printed circuit board] (examiner's interpretation: insight the bracket considers as a first portion of present invention) in a second portion of the graphical user interface";) Displaying a target area containing the first image object selected; receiving a user selection of a first image object in the first portion of the graphical user interface; and modifying the displayed target area such that the target area contains the first and second image objects. (examiner's interpretation: in the published patent 890 discloses: populating the n-dimensional data structure with information corresponding to the selected image object to assist the user in controlling an imaging system being used to inspect a manufactured printed circuit board corresponding to the computer model of the printed circuit board for

Art Unit: 2672

manufacturing defects). Examiner's comments: see fig. 9 of patent 890 for better understanding of the present claim language, the image of a circuit board 902 considers as a target area that contains first and second image objects 904 and for modifying selected image objects to the corresponding data structure 908.

Claims 2-9 of 890 cover the limitations of claims 2-5 of 859.

Claims 10-18 of 890 cover the limitations of claims 6-13 of 859.

Claims 19-26 of 890 cover the limitations of claims 14-18 of 859.

Claims 10-26 of 890 cover the limitations of claims 19-35 of 859.

Claim 1 provisionally rejected under the judicially created doctrine of double patenting over claim 1 of copending Applications No. 09/997,834; 09/998,466 and 09/997,858. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: See below the comparison of independent claim of present invention (hereinafter refers as a 859 and the independent claim 1 of the copending applications (hereinafter refers as 834; 466; and 858 respectively).

**Claim 1 of 859: A method for manipulating a graphical display, the method comprising the step of: providing a graphical user interface comprising a first portion for providing a displaying a target area containing the first image object selected; receiving a user selection**

**of a second image object in the first portion of the graphical user interface; Displaying a target area containing the first image object selected; receiving a user selection of a first image object in the first portion of the graphical user interface; and modifying the displayed target area such that the target area contains the first and second image objects.**

*Claim 1 of 834: A method for providing help services in a graphical user interface-based computer application, the method comprising the steps of: providing a first display portion for providing standard application services and a second display portion for providing dedicated help services based on the standard application services provided in the first display portion; determining a user interaction via the first display portion; based on the user interaction, providing a standard application service associated with a computer application in the first display portion; and based on the standard application service provided in the first display portion, providing dedicated help services in the second display portion.*

*Claim 1 of 466: 1. A method for managing process control in a graphical user interface, the method comprising the steps of: displaying a plurality of objects on a graphical user interface, each of the objects corresponding to one or more steps in a sequential process; in response to the proper object in the sequential process being selected and the corresponding step being successfully completed, visually distinguishing the object to indicate that the corresponding step has been successfully completed; and in response to one of the objects corresponding to a previously completed step being selected and successfully completed, performing the following steps: determining whether any other previously completed steps are dependent on the changes made in the previously completed step; and visually distinguishing the objects corresponding to the other previously completed steps to indicate that they are to be completed again.*

Art Unit: 2672

*Claim 1 of 858: A method for managing interaction with a presentation of a tree structure in a graphical user interface, the method comprising the steps of: displaying a tree structure on a first portion of a graphical user interface; receiving a search request for an object in the tree structure having a predefined value via a second portion of the graphical user interface; displaying a search result in a third portion of the graphical user interface, the search result comprising one or more locations that satisfy the search request; and in response to selection of one of the locations, modifying the tree structure to display the selected location of the object having the predefined value.*

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/997,859

Page 12

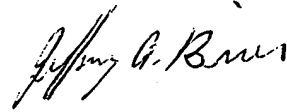
Art Unit: 2672

Javid A Amini

Examiner

Art Unit 2672

Javid Amini

A handwritten signature in black ink, appearing to read "Jeffrey G. Biner". The signature is written in a cursive, flowing style with a large initial "J".